

TRW Carr Division and Oil, Chemical and Atomic Workers International Union, AFL-CIO, Petitioner. Case 10-RC-12639

March 7, 1983

DECISION ON REVIEW AND ORDER

BY CHAIRMAN MILLER AND MEMBERS
JENKINS AND HUNTER

On August 25, 1982, the Regional Director for Region 10 issued a Decision and Direction of Election in the above-captioned proceeding in which he found appropriate a unit containing specified technical employees. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review alleging, *inter alia*, that the Regional Director had erred by failing to include all similarly employed technical employees in the same unit.

On September 23, 1982, the Board by telegraphic order stayed the election and granted the Employer's request for review with respect to the question of the appropriateness of the unit in which the Regional Director directed an election.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case with respect to the issue under review, and makes the following findings:

The Employer, located in Knoxville, Tennessee, manufactures plated plastic and electro-mechanical products for the automotive and appliance industries. The Petitioner seeks to represent technical employees who work in the Employer's electronics laboratory.¹ The Regional Director directed an election in a unit of technical employees limited to those in the electronics laboratory and the classification of electro-mechanical product engineer. The Employer contends that this unit is inappropriate, urging instead that the only appropriate unit is one encompassing all technical employees at its Knoxville facility.

When technical employees work in similar jobs and have similar working conditions and benefits,

¹ The Petitioner presently represents the Employer's production and maintenance employees. The Employer's technical and administrative employees are unrepresented, and there is no history of collective bargaining for these employees.

the only appropriate unit for a group of technicals must include all such employees similarly employed. *Aerojet General Corporation*, 131 NLRB 1094 (1961). Here, the record shows that the Employer employs technical employees who were excluded from the unit considered appropriate by the Regional Director.² The record further shows that the functions of technicals excluded are closely related to functions performed by those included in the unit considered appropriate by the Regional Director.³ And, the record reveals that technical employees who were excluded and those who were included receive similar benefits and are subject to common personnel policies which are centrally administered.⁴

In sum, we find that the unit considered appropriate by the Regional Director does not include all technical employees who work in similar jobs and have similar working conditions and benefits. Therefore, we hold that the proposed unit of technical employees is inappropriate because it does not include all similarly employed employees in that category. As we have found that the unit in which the Regional Director directed an election is inappropriate (and as the Petitioner has made clear that it does not wish to proceed to an election in a unit other than the one for which it petitioned), we shall dismiss the petition.

ORDER

It is hereby ordered that the petition filed herein be, and it hereby is, dismissed.

² Indeed, the Petitioner does not contend that the employees petitioned for are the only technicals, nor does the Regional Director's decision find that the unit in which he directed an election contains all of the Employer's technical employees.

³ For example, the engineering aide in the electronics department is included, and the engineering aide in another department of the Employer's operation is excluded. Yet, the work of the excluded classification is very similar to the functions of the included classification. Showing that some technical employees perform their duties in another phase of the Employer's operation is not enough to establish affirmatively why the segmented group of technical employees should be represented separately. See fn. 4, *infra*; *The Bendix Corporation, Kansas City Division*, 150 NLRB 718 (1964).

⁴ The Petitioner at the hearing argued that the electronics department's technical employees have a common supervisor, work in the same area, perform similar jobs, and do not have a high degree of interchange with other groups of employees. However, it is the Board's policy to grant a unit including some, but not all, technical employees only when the employees in the requested unit possess a sufficiently distinct community of interest apart from other technicals to warrant their establishment as a separate appropriate unit. *Whitehead & Kales Company*, 196 NLRB 111 (1972). We do not believe that the record or the Petitioner's arguments demonstrate sufficient grounds on which to base a finding that the employees in the requested unit have a distinct community of interest.